IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2267 of 2007

MANGI LAL

V/S

SMT.NANI BAI & ORS.

Mr. SANDEEP SARUPARIA, for the appellant / petitioner

Date of Order : 16.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

By the impugned order, the learned trial court has refused the petitioner's application for impleading the owner of the Motorcycle as party defendant. According to the averments made in the claim petition Shankarlal and deceased were going on the Motorcycle, and when they stopped at Vishwakarma Dumper Body Repairing Works Shop for delivering a marriage-card, Shankarlal was standing the Motorcycle on the stand, at that time the two vehicles dashed against each other, and in turn, they hit the deceased Kamlesh, who fell on Shankarlal, and Kamlesh died on the spot, while Shankarlal received injuries. In my view, at best, all that can be said is to be a case of composite negligence of the two, or more motor vehicle drivers. However, even in such case of composite negligence, the claimant is entitled to initiate claim petition against any one or more of the such joint

tortfeasor for entire amount of compensation.

In that view of the matter, I do not find any error in the impugned order. The writ petition, therefore, is dismissed summarily.

(N P GUPTA),J.

/anil/